



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 1, 2011

RE: LAKE COUNTY
LEROY TOWNSHIP
FRARY'S RESTAURANT
NPDES PERMIT NO. 3PR00398
APPLICATION NO. OH0136841
EXPIRATION DATE: MAY 31, 2010

Mr. Alan Frary
Frary's Restaurant
5974 Vrooman Road
Leroy Township, OH 44077

Dear Mr. Frary:

On June 22, 2011, this writer conducted a compliance and evaluation inspection of the wastewater treatment plant serving Frary's Restaurant. The purpose of the inspection was to evaluate the wastewater treatment plant's operation and maintenance condition, and to evaluate the facility's compliance with National Pollutant Discharge Elimination System (NPDES) permit effluent limits.

The restaurant has been closed for several years and the wastewater treatment plant is not in operation. According to the Discharge Monitoring Reports submitted to this agency, there has been no discharge to waters of the state since August 2006.

The NPDES permit expired May 31, 2010. Pursuant to Ohio Administrative Code (OAC) 3745-33, a renewal NPDES permit must be submitted 180 days prior to the expiration date of the existing NPDES permit. A renewal application has not been submitted to this office.

If you choose to maintain an NPDES permit even though the restaurant is not discharging to waters of the state, the renewal application must be submitted to this office within 21 days of the date of this letter. The required forms are enclosed for your convenience. If you choose to no longer maintain an NPDES permit because the restaurant has been closed for several years, and you do not foresee re-opening the restaurant any time soon, the NPDES permit can be revoked. Also, failure to submit a renewal NPDES permit application within 21 days of the date of this letter will result in the revocation of the NPDES permit, since the existing NPDES permit expired two years ago.

If an NPDES permit is revoked, and a facility owner wishes to re-apply for an NPDES permit at a later date, the applicant must go through the Antidegradation Rule procedures, as found in Ohio Administrative Code 3745-1-05. When the

Mr. Alan Frary
Frary's Restaurant
July 1, 2011
Page 2

Antidegradation Rule applies, issuance of an NPDES permit is not guaranteed. The applicant must follow specific steps to show that no other alternative to discharging to waters of the state is available, cost effective and technically feasible. The applicant must provide a preferred design alternative, a non-degradation alternative, minimal degradation alternative and mitigative techniques/measures. This office would recommend obtaining the services of an engineering consultant to aid an applicant in furnishing the information needed for an Antidegradation Rule submittal.

As stated previously, within 21 days of the date of this letter, you are required to either submit a renewal NPDES permit application or notify this office, in writing, of your desire to revoke the NPDES permit. Revocation of the NPDES permit will be automatic if the renewal NPDES permit application is not submitted within the required time frame.

Should you have any questions regarding this letter, please do not hesitate to contact the undersigned at (330) 963-1183.

Sincerely,

A handwritten signature in cursive script that reads "Marie Underwood".

Marie Underwood, P.E.
Environmental Engineer
Division of Surface Water

MU/mt

Enclosures: NPDES permit application (Forms 1, 2E, 2S)
Antidegradation Addendum